

**REMARKS**

Reconsideration of all grounds of objection and rejection, and allowance of the pending claims are respectfully requested in light of the above amendments and the following remarks. Claims 1-4, of which claims 1 and 4 have been amended only to improve form and not in view of the cited references, remain pending herein as shown above.

(1) The specification was objected to because there were no section headings. Applicant has amended the specification to include section headings consistent with U.S. practice. Reconsideration and withdrawal of this ground of objection are respectfully requested.

(2) Claims 1-4 stand rejected under 35 U.S.C. §103(a) over Yagasaki et al. (U.S. 6,414,991 hereafter "Yagasaki" in view of Chen et al. (U.S. 6,057,884 hereafter "Chen"). Applicants respectfully traverse this ground of rejection at least for the reasons indicated herein below.

Applicants respectfully submit that instant claim 1 recites a coding method including a base layer encoding means for receiving a video sequence and generating base layer signals that correspond to one or more video objects (VOs) by segmenting the video sequence into one or more VOs, and coding a plurality of successive video object planes (VOPs) of each of said VOs by performing a series of sub-steps. Base claim 4 recites an apparatus claim reciting means for carrying out the series of sub-steps.

The sub-steps include coding the texture of the VOPS, and coding the shape of the VOPS. The texture coding sub-step includes performing a first coding operation without prediction for the VOPs, performing a second coding operation with a unidirectional

prediction for the VOPs (called predictive or P-VOPs), which are coded using only a past I or P-VOP as a temporal reference. Subsequently, a third coding operation is performed with a bi-directional predictive or B-VOPS, coded using both past and future I- or P-VOPS as temporal references.

In particular, according to the instantly claimed invention, the temporal reference of the enhancement layer P-VOPs is selected *only as the temporally closest candidate, and the two temporally enhancement candidates of the enhancement layer*, in either case *without any consideration of the layer to which the temporally closest candidates belong*.

In contrast, the combination of Yagasaki and Chen fails to disclose the above teachings. First, it is admitted in the Office Action Yagasaki fails to specify the coding of texture and shape information. Although Chen allegedly discloses shape and texture data, it is respectfully submitted that the combination of references fails to disclose or suggest the coding of texture and shape information without any consideration of the layer to which the temporally closest candidates belong.

Applicants note that Chen teaches at column 16, lines 32-41 and with reference to Figure 8 that the base layer B includes B-VOPs 815 and 820. Chen states that “B-VOPs 815 and 820 are predicted using other base layer VOPs, as shown by arrows 810,840, 835 and 825, respectively.” In addition, Chen teaches that P-VOP 830 is predicted by I-VOP 805. I-VOP 830 is not the closest temporal candidate to P-VOP 830. Applicants also respectfully submit that instant claim 1 recites “only” the closest temporal candidate.

In addition Yagasaki is silent with regard to closest temporal candidates, wherein column 15, line 19, to column 16, line 14 (quoted in the Office Action), fails to provide

any teaching or suggesting about closest temporal candidates. All Yagasaki is saying is that different flags are set when reference images of VOPs from different layers are used.

Accordingly, it is respectfully submitted that a person of ordinary skill in the art would not have found any teaching, suggestion, or motivation gleaned from the combination of references such that any of the instant claims would have been obvious to a person of ordinary skill in the art.

Applicants respectfully submit that the MPEP's explanation of a proper *prima facie* case of obviousness under 35 U.S.C. §103(a) includes a citation to *In re Fritch*, 973, F.2d 1260, 1266, 23 U.S.P.Q. 2d 1780, 1783-84 (Fed. Cir. 1992), wherein the Court of Appeals for the Federal Circuit has held that:

The mere fact that the prior art  
may be modified in the manner suggested  
by the Examiner does not make the  
modification obvious unless the prior art  
suggested the desirability of the modification.

Here, the Office Action has not set forth a *prima facie* case of obviousness as the suggested desirability is of the modification as recited by Applicant's instant claims is lacking in such teaching, motivation and suggestion that a person of ordinary skill in the art would have gleaned from the combination of references at the time of invention.

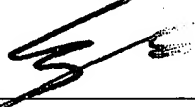
Reconsideration and withdrawal of this ground of rejection are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Russell Gross  
Registration No. 40,007

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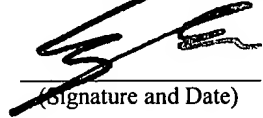
By:   
Steve Cha  
Attorney for Applicant  
Registration No. 44,069

**Mail all correspondence to:**  
Russell Gross, Registration No. 40,007  
US PHILIPS CORPORATION  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001  
Phone: (914) 333-9608  
Fax: (914) 332-0615

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